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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,875	09/23/1999	ABRAHAM I. ZEIGLER	09857/023001	5266

7590

10/07/2002

DENIS G MALONEY  
FISH & RICHARDSON  
225 FRANKLIN STREET  
BOSTON, MA 021102804

EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/401,875

Applicant(s)

ZEIGLER ET AL.

Examiner

Kelly Campen

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 1-6, 13, 18, 20, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Objections***

Claims 1-6, 13,18,20,23-24 are objected to because of the following informalities: the term "comprises" should be changed to --comprising--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically as to claim 1, the claim is incomplete. The preamble is directed to a method of trading securities yet there are no trading steps. Additionally, the claim is indefinite.

Claim 1 recites the limitation "additional aggregates" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the reserve quote" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3624

Claim 12 recites the limitation "additional...reserve quotes" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the order" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Specifically as to claim 13, it is unclear "for a server process that...aggregates quotes and causes aggregate quotes" the metes and bounds of the claim are unclear.

Specifically as to claims 14 and 15, the claim is indefinite and vague as to what is really being claimed.

Claim 14 recites the limitation "the electronic system" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The term "can be" in claim 17 is a relative term which renders the claim indefinite. The term "can be" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Specifically as to claims 18, 20 and 24, the metes and bounds of the claim cannot be defined; therefore, the claim is indefinite.

Claim 21 recites the limitation "the aggregation" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitation "the system" in line 5. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gutterman et al. (WO 91/14231).

Specifically as to claim 1, Gutterman et al. disclose a method of trading securities, see abstract.

Specifically as to claims 2-12, see above rejection for claim 1, in addition, see pages 14-29.

Specifically as to claim 13, Gutterman et al. disclose an electronic market comprising a plurality of client stations and a server process, see abstract and pages 14-29 and pages 1-11.

Specifically as to claims 14-17, see above rejection for claim 13.

Specifically as to claim 18, Gutterman et al. disclose a client station comprising a graphical user interface, see abstract and pages 1-11.

Specifically as to claim 19, see above rejection for claim 18.

Specifically as to claim 20, Gutterman et al. disclose a graphical user interface with an aggregation window, see abstract and pages 1-11.

Specifically as to claims 21-23, see above rejection for claim 20.

Specifically as to claim 24, Gutterman et al. disclose a computer program product comprising instructions, see abstract and pages 1-11.

Art Unit: 3624

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kalmus et al. (US 4674044) disclose an automated securities trading system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (703) 308-0780. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-5397 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



ksc

September 30, 2002

  
VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600